

## Remarks

### OVERVIEW OF RESPONSE

The Examiner is thanked for the thoughtful review of the amendments filed in Response dated 2/18/2003. In the current Office Action, the Examiner rejected pending claims (Claims 1-3, 5-27, and 29-42) on obviousness grounds under 35 U.S.C. § 103(a) as unpatentable over Kuwahara (US Pat. No.: 6,202,072) in view of Arn et al PCT Application Publication No.: WO 94/14122, both of which are respectively referred to hereinafter as Kuwahara and Arn.

It is respectfully submitted that the present rejection is improper. The Office Action failed to consider each recited element of the independent claims and did not show how each element is taught in the prior art. Instead, it appears to the Applicant that the present invention has been misunderstood, and unreasonable assumptions and interpretation of Kuwahara and Arn have been used to make the rejection. The Applicant respectfully requests the Examiner reconsider the pending claims in view of the following remarks and together with Statement of the Substance of the Interview herewith.

The Applicant appreciates a telephonic interview between the undersigned (representative of the Applicants) and the Examiner Mr. William Bashore on July 17, 2003. In the interview, Claim 1 was discussed with respect to Kuwahara and Arn.

In the interview, the Applicant respectfully pointed out the differences between Claim 1 and the cited references by referring to FIG. 3B in which three separate items 322, 328 and 330 are clearly shown. Importantly, the Applicant states that the item 324 is generated from the item 328. The Examiner acknowledged the fact in view of the only two items shown in Kuwahara and Arn, viewed in combination, but none of references teach or suggest a tree structure is generated from a DTD which itself is intact. Further, it is pointed out that the generated tree structure 330 is used to associate with the displayable objects (e.g., in 322). It is understood to those skilled in the art that, when such association is done, the data or file representing the tree structure will be altered to include the association (e.g., the identifiers). It is well known in the art that a DTD file should not be altered by adding things that are not related to the purpose of a DTD, or a

presentation would be wrong. An example was even explicitly given to the Examiner for understanding of a DTD that the DTD files received from USPTO for electronic filing could not be altered (actually not permitted). That is why, in Claim 1, it recites that a separate tree structure is generated from the DTD. At the end of the interview, the Examiner stated that he would consult with his assigned Primary Examiner to determine whether the limitations in claim 1 would distinguish from Kuwahara and Arn, viewed alone or in combination.

### **PATENTABILITY OF CLAIM 1**

It is axiomatic that an invention in a patent application is defined by, and must be examined with respect to, the specific language of the claims. Claim 1 is set forth below with the specific features underlined:

receiving a definition file including document type definitions (DTD) to generate a tree structure of hierarchical relationships of document elements;  
displaying an output presentation along with the DTD and the tree structure simultaneously, the output presentation including a number of displayable objects and respective decoration attributes about each of the displayable objects, the DTD showing structures of the document elements and the tree structure showing the hierarchical relationships of the document elements based on a root element selected among the document elements;  
associating at least one of the document elements in the tree structure with one of the displayable objects; and  
creating the structured document from the output presentation in accordance with the at least one of the document elements being associated with the one of the displayable objects.

*(emphasis added)*

As described between lines 25 of page 18 to line 5 of page 19 and FIG. 3B in the Specification, when a DTD (Pool) 328 is loaded in FIG. 3B, a (XML) tree structure 330 is generated or derived from the DTD 328 and subsequently shows the hierarchical relationships of the document elements. The Applicant wishes to point out that the tree structure 330 is generated based on a root element. In other words, the tree structure 330 is formed with reference to a root element ("receipt" is used as the root element in FIG. 3) and it is the tree structure that is used to facilitate the association of the displayable objections with the document elements. Essentially, there are three items

being displayed: an output presentation 322, a DTD 328 and a derived tree structure 330.

In contrast, Kuwahara receives a DTD but fails to teach or suggest to generate a tree structure from the DTD. Further, Kuwahara shows in FIG. 2 that the correlation is performed directly on the DTD, which teaches away from *"associating at least one of the document elements in the tree structure with one of the displayable objects"*. In spite to the difference in operation between the claimed invention and Kuwahara, the Examiner, in lines 2-5 on page 9 of the Office Action, characterizes the DTD in FIG. 2 of Kuwahara as both a DTD and a derived tree structure ("a tree structure within a DTD"). The Applicant respectfully disagrees with such characterization by the Examiner. There is no evidence in the record of any suggestion to view a DTD as two items as recited in Claim 1. The Examiner's posited rationale is believed to be that a DTD includes a tree structure and therefore could be viewed as a DTD and a derived tree structure, which clearly contradicts what is intended in Kuwahara or recited in Claim 1.

The Examiner states in the Interview Summary (paragraph 3 of the continuation sheet) that *"the DTD and tree structure of Applicant's disclosure Figure 3B (right panel) is reflective of two branches off a main root (Test 1), therefore, both said items are branches of a single tree structure"*. Evidently, the Examiner is in denial of or overlooked the fact that the tree structure 330 of FIG. 3B, even if it is a branch of a single tree structure, is generated from the DTD 328 of FIG. 3B as recited in Claim 1. Furthermore, as clearly described between line 25 of page 18 and line 15 of page 19, the tree structure 330 of FIG. 3B is produced from the DTD 328 and used to associate with the displayable objects in 322.

Only a DTD is used or shown in Kuwahara and Arn. Based on the Examiner's characterization of the DTD in Kuwahara and Arn as a single structure, the Applicant respectfully challenges the Examiner "where are the two branches ? one being the DTD and the other being the derived tree structure from the DTD." Neither Kuwahara nor Arn have taught or suggested such characterization. The Applicant respectfully submits that the rejection of Claim 1 is improper because the Office Action fails to consider each recited element of Claim 1 in view of the Specification.

To assist the Examiner to appreciate the specific features recited in Claim 1, it is summarized herein that the tree structure possesses the following characteristics: 1) generated from a DTD; 2) based on a root element selected among the document elements; 3) displayed simultaneously with the DTD; and 4) used to associate with the displayable objects. The Examiner is respectfully challenged to compare these features with that of Kuwahara and Arn and appreciate the differences. The Applicant submits neither Kuwahara nor Arn, viewed alone or in combination have taught or suggested the combined features in the amended Claim 1. Accordingly, it is believed that Claims 1-3 and 5-14 shall be allowable over the cited references.

#### **PATENTABILITY OF CLAIM 15**

Claim 15 includes distinct features that are neither taught nor suggested in Kuwahara nor Arn, viewed alone or in combination. In particular, Claim 15 recites "the second display displaying a definition file including document type definitions (DTD) and a tree structure showing hierarchical relationships among document elements, the tree structure derived from the DTD and based on a root element selected among the document elements", which means both a DTD and a tree structure are displayed at the same time (see DTD 330 and a tree structure 328 in FIG. 3B of the application). Further it recites relevant actions take place with the tree structure (not the DTD) by "associating each of the group objects with the identifier in one of the document elements of the tree structure; and creating the structured document from the output presentation in accordance with the at least one of the document elements of the tree structure being associated with the one of the displayable objects". (*emphasis added*) *The Examiner is reminded again that Kuwahara teaches away from the feature as it is shown in FIG. 2 of Kuwahara that the "relevant" actions are taken with the DTD file directly.* Accordingly, it is believed that Claims 15-24 shall be allowable over the cited references.

#### **PATENTABILITY OF CLAIM 25 and 39**

Independent Claims 25 and 39 are computer program product claims, mirroring the preceding method claims. The Examiner rejects the Claims 25 and 39 and the corresponding dependent claims 26 - 27, 29- 38 and 40 - 42 using the similar reasons.

Hence, the Applicant respectfully requests that the Examiner reconsider Claims 25 and 39 and their respective corresponding dependent claims in view of the remarks presented in the foregoing.

### **SUMMARY**

Based on the foregoing, it is submitted that Claims 1-3, 5-27, and 29-42 are patentably distinct from Kuwahara nor Arn. None of cited references, viewed alone or in combination, has taught or suggested the features recited in Claims 1, 15, 25 and 39. Therefore, it is respectfully requested that the Examiner withdraw the rejection under 35 USC §103(a) in view of the remarks above. Early and favorable action is being respectfully solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplementary Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at (408)777-8873.

I hereby certify that this correspondence is being faxed to the attention of Mr. Examiner William L. Bashore at (703)746-7239.

on 7/30, 2003.

Signed: Joe Zheng

Respectfully submitted;

Joe Zheng

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